MT LEGISLATIVE HISTORY

Chapter 10 1975

Bill H 24 S _____ Original bill & hist. ✓C

H. Committee on State Admin. S. Committee on Local Govt.

Hearing Date(s)	C	Hearing Date(s)	C
1/11	✓C	1/30	✓C
_____	C	_____	C
_____	C	_____	C
Date Out 1/11	✓C	1/30	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

HOUSE BILL NO. 24

INTRODUCED BY MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 1-821, R.C.M. 1947, TO PROVIDE COMPENSATION FOR THE JOINT AIRPORT COMMISSION BOARD."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 1-821, R.C.M. 1947, is amended to read as follows:

"1-821. Joint operations. (a) Authorization. For the purposes of this section, unless otherwise qualified, the term "public agency" includes municipality, as defined in this act, any agency of the state government and of the United States, and any municipality, political subdivision and agency of another state; and the term "governing body" means the governing body of a county or municipality, and the head of the agency if the public agency is other than a county or municipality. All powers, privileges and authority granted to any municipality by this act may be exercised and enjoyed jointly with any public agency of this state, and jointly with any public agency of any other state or of the United States to the extent that the laws of such other state or of the United States permit such joint exercise or enjoyment. If not otherwise authorized by law, any agency of the state government when acting jointly with any municipality, may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a municipality.

(b) Agreement. Any two or more public agencies may enter into agreements with each other for joint action pursuant to the provisions of this section. Concurrent action by ordinance, resolution or otherwise of the governing bodies of the participating public agencies shall constitute joint action. Each such agreement shall specify its duration, the proportionate interest which each public agency shall have in the property, facilities and privileges involved, the proportion to be borne by each public agency of preliminary costs and costs of acquisition, establishment, construction, enlargement, improvement, and equipment of the airport or air navigation facility, the proportion of the expenses of maintenance, operation, regulation and protection thereof to be borne by each, and such other terms as are required by the provisions of this section. The agreement may also provide for: amendments thereof, and conditions and methods of termination of the agreement; the disposal of all or any of the property, facilities and privileges jointly owned, prior to or upon said property, facilities and privileges, or any part thereof, ceasing to be used for the purposes provided in

INTRODUCED BILL

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this act, or upon termination of the agreement; the distribution of the proceeds received upon any such disposal, and of any funds or other property jointly owned and undisposed of; the assumption or payment of any indebtedness arising from the joint venture which remains unpaid upon the disposal of all assets or upon a termination of the agreement; and such other provisions as may be necessary or convenient.

(c) Joint board. Public agencies acting jointly pursuant to this section shall create a joint board which shall consist of members appointed by the governing body of each participating public agency. Per diem and mileage of such joint board shall be set by resolution of the board of county commissioners. The number to be appointed~~, their term and compensation, if any,~~ and their term shall be provided for in the joint agreement. Each such joint board shall organize, select officers for terms to be fixed by the agreement, and adopt and amend from time to time rules for its own procedure. The joint board shall have power to plan, acquire, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police any airport or air navigation facility or airport hazard to be jointly acquired, controlled and operated, and such board may exercise on behalf of its constituent public agencies all the powers of each with respect to such airport, air

navigation facility or airport hazard, subject to the limitations of subsection (d) of this section.

(d) Limitations of joint board.

(1) Expenditures. The total expenditures to be made by the joint board for any purpose in any calendar year shall be determined by a budget approved by the governing bodies of its constituent public agencies.

(2) Acquisitions beyond sums allotted. No airport, air navigation facility, airport hazard, or real or personal property, the cost of which is in excess of sums therefor fixed by the joint agreement or allotted in the annual budget, may be acquired by the joint board without the approval of the governing bodies of its constituent public agencies.

(3) Eminent domain. Eminent domain proceedings under this section may be instituted only by authority of the governing bodies of the constituent public agencies of the joint board. If so authorized, such proceedings shall be instituted in the names of the constituent public agencies jointly, and the property so acquired shall be held by said public agencies as tenants in common until conveyed by them to the joint board.

(4) Disposal of real property. The joint board shall not dispose of any airport, air navigation facility or real property under its jurisdiction except with the consent of

the governing bodies of its constituent public agencies, provided that the joint board may, without such consent, enter into the contract, lease or other arrangements contemplated by section 1-812.

(5) Police regulations. Any resolutions, rules, regulations or orders of the joint board dealing with subjects authorized by section 1-815 shall become effective only upon approval of the governing bodies of the constituent public agencies provided that upon such approval, the resolutions, rules, regulations or orders of the joint board shall have the same force and effect in the territories or jurisdictions involved as the ordinance, resolutions, rules, regulations or orders of each public agency would have in its own territory or jurisdiction.

(e) Joint fund. For the purpose of providing a joint board with moneys for the necessary expenditures in carrying out the provisions of this section, a joint fund shall be created and maintained, into which shall be deposited the share of each of the constituent public agencies as provided by the joint agreement. Each of the constituent public agencies shall provide its share of the fund from sources available to each. Any federal, state or other contributions or loans, and the revenues obtained from the joint ownership, control and operation of any airport or air navigation facility under the jurisdiction of the joint

board shall be paid into the joint fund. Disbursements from such fund shall be made by order of the board, subject to the limitations prescribed in subsection (d) of this section."

-End-

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STATE ADMINISTRATION COMMITTEE

January 11, 1975

The State Administration Committee meeting was called to order on this date with Chairman Brand presiding. All members were present except Representatives Bardanouve, Kanduch and Mercer.

HB 24 - Representative Manuel, sponsor for this bill, briefly discussed the reasons for this bill and recommended this bill be amended on page 3, line 13 by striking the word shall and inserting in lieu thereof the word "may".

Proponents of this bill were Dean Zinnicker and Jean Phillips who felt it was hard to get people to serve on this Board and if per diem could be obtained, more would want to participate on the Board. (See Attachments) Representatives Lund and Lien were also in support of the bill.

Representatives Brand and Mular felt that if the word "may" were used it would be too permissive and some might not get the per diem. Representative Manuel stated this has to be county controlled so that they can have the option to pay per diem in case they don't have the money, although by rights they should get this paid expense.

HJR 2 - Representative Lynch sponsor for the bill, explained this bill was to make officials look at their school systems to see if girls' sports were getting equal time, money and instruction as boys' sports. He presented a letter from Roberta Smith, President of MSBA (Montana School Boards Association) in support of this resolution. (See Attachment)

Representative Teague asked if this would be a mandatory bill. Representative Lynch stated that it was just a resolution to promote equality in school athletic programs. He felt that girls' athletics should have the same chance for recognition and this resolution would be a way of making officials take a second look at their programs.

Margaret Davis, Montana League of Women Voters was also present in favor of this bill. (See Attachment).

Representative Johnston moved that the amendment to HB 24 be passed. This motion was carried unanimously. Representative Mular made a motion to pass HB 24 as amended. This motion was also carried unanimously.

There was some discussion on HJR 2 and Representative Lund made a motion to pass this resolution. The motion was carried unanimously.

The meeting adjourned at 11:00 a.m.

Joe Brand

Joe Brand, Chairman

lp

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Rep. Rep. Mann

BILL No. 24

DATE 1/1/15

WHOM DO YOU REPRESENT? _____

SUPPORT? ✓ OPPOSE? _____ AMEND? _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name _____ Date _____

Address _____ Support ? _____

Representing _____ Oppose ? _____

Which Bill ? _____ Amend ? _____

Comments:

Please leave prepared statement with the committee secretary.

Name [illegible]

Bill No. [illegible]

Date [illegible]

Whom do you represent? [illegible]

Support? ✓ Oppose? _____ Amend? _____

Please leave prepared statement with Secretary.

1975 Senate

44th LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 24	1-18	1-30	1-30				1-30		
HB 25	1-17	1-30	1-30				1-30		
HB 26	1-31	3-7	3-7				3-7		
HB 37	1-23	2-13	2-13				2-13		
HB 61	1-28	3-15	3-15						3-15
HB 76	1-27	3-8	3-12				3-12		
HB 91	1-28	3-4	3-4				3-4		
HB 92	1-31	3-4	3-4				3-4		
HB 108	2-4	3-6 Transferred to Juciciary			3-8				
HB 112	2-7	3-8	3-12			3-12			
HB 117	1-28	3-6	3-7					3-7	
HB 138	1-30	3-10	3-12						3-12
HB 140	1-29	3-7	3-7					3-7	
HB 143	1-28	3-15, 20	3-20				3-20		
HB 150	1-31	3-5	3-5				3-5		
HB 151	1-31	3-5	3-5				3-5		
HB 176	2-26	3-11,12,13	3-18					3-13	

(Use Separate Sheet for Senate, House Bills, and Resolutions)

coverage by the newspaper media as well as radio and television media and they thought this bill would only force them to raise city taxes which would in turn hurt the taxpayer rather than benefit him. Senator McCallum discussed the possibility of this bill's added cost to smaller towns forcing them (towns) to disincorporate rather than try to pay the increase in taxes.

CONSIDERATION OF HOUSE BILL 23: Senator Manuel, sponsor of the bill, stated that the purpose of his bill was to provide compensation for mileage and per diem for cemetery trustees if the board of county commissioners wishes - and emphasized that it is not mandatory. There was no discussion.

CONSIDERATION OF HOUSE BILL 24: Senator Manuel, sponsor of the bill, stated that the purpose of this bill was to provide compensation for mileage and per diem for joint airport commission board at the discretion of the board of county commissioners and that this bill does not make it a mandatory thing. There was no discussion. Senator Goodover abstained from consideration stating that since he is on the Airport Board in Great Falls he might have conflicting interests.

DISPOSITION OF BILLS:

Senate Bill 70: Senator Goodover made a motion to DO NOT PASS. Senator Cetrone made a substitute motion to send the bill to sub-committee. Senator Story seconded Senator Goodover's motion. Motion carried.

House Bill 25: Senator Murphy made a motion that the bill DO PASS. Seconded by Senator McCallum. Motion carried.

House Bill 24: Senator McCallum made a motion that the bill DO PASS. Seconded by Senator Murphy. Motion carried.

ADJOURN: There being no further business, the meeting adjourned at 12:28 P.M.

Miles Romney
MILES ROMNEY, Chairman

MR:dg

Exhibit A
Exhibit B

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

44th LEGISLATIVE SESSION 1975

Date 1-30-75

NAME	PRESENT	ABSENT	EXCUSED
MILES ROMNEY, CHAIRMAN	✓		
V. E. CETRONE, V. CHMN.	✓ late 1:14		
TERRY MURPHY	✓		
CORNIE R. THIESSEN	✓		
ROBERT D. WATT	✓		
PAT M. GOODOVER	✓		
GEORGE McCALLUM	✓		
PETER STORY	✓ late 1:17		

Each day attach to minutes

STANDING COMMITTEE REPORT

January 30 19 75

MR. PRESIDENT

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 24

Respectfully report as follows: That HOUSE Bill No. 24

BE CONCURRED IN

[redacted]

STATE PUB. CO.

[redacted] Chairman.

SENATE COMMITTEE LOCAL GOVERNMENT

Date Jan. 30, 1975 House Bill No. 31 Time 12:28

NAME	YES	NO
V. E. CETRONE, VICE CHAIRMAN	✓	
TERRY MURPHY	✓	
CORNIE R. THIESSEN		
ROBERT D. WATT	✓	
PAT M. GOODOVER		✓
GEORGE McCALLUM	✓	
PETER STORY		
MILES ROMNEY, CHAIRMAN	✓	

Secretary

Romney
Chairman

Motion: Do Pass

(include enough information on motion—put with yellow copy of committee report.)

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REFERENCE BILL

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-End-